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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/368,989	08/05/1999	FRED J. STEVENS	0003/00332	6185

7590 12/04/2001

CHERSKOV AND FLAYNIK  
C/O MICHAEL J CHERSKOV  
THE CIVIC OPERA BUILDING SUITE 1447  
20 NORTH WACKER DRIVE  
CHICAGO, IL 60606

EXAMINER

COOK, LISA V

ART UNIT	PAPER NUMBER
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1641

12

DATE MAILED: 12/04/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

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QCE 1641

PATENT



UNITED STATES PATENT AND TRADEMARK OFFICE

#13

Applicant: Stevens, et al.  
Title: DEVICE FOR DETECTING MOLECULES, METHOD FOR  
DETECTING MOLECULES  
Serial No.: 09/368,989  
Filing Date: August 5, 1999  
Art Unit: 1641  
Examiner: Dr. Lisa V. Cook  
Attny Docket. 0003/00332

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CERTIFICATE OF MAILING: I hereby certify that this correspondence is being faxed to 1-703-305-3014 (per 37 CFR §1.6) and also deposited (per 37 CFR §1.8) with the United States Postal service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C., 20231 on December 28, 2001. (Date of Deposit and Fax)

Albert Y. Tsui

Name of Representative

Signature

12/28/01  
Date of Signature

Assistant Commissioner for Patents  
Washington, D.C. 20231

20 N. Wacker Drive  
Chicago, IL 60606

**PETITION TO WITHDRAWAL NOTICE OF ABANDONMENT**

Sir:

It is respectfully requested that the December 4, 2001 Notice of Abandonment be withdrawn. The Notice of Abandonment states that the applicant failed to timely file a proper reply to the Official Letter mailed on April 24, 2001. However, a Request for Continued Examination was filed on October 23, 2001 with a 2 month petition to Extend Time.

Per a December 26, 2001 request by PTO Examiner Supervisor Chen, the undersigned transmits herewith a photocopy of the Request for Continued Examination Transmittal Letter, Petition to Extend Time, Amendment to the application, 37 CFR 1.131 Affidavit, a photocopy of a postcard sent with the Request for Continued Examination, and a photocopy of two checks evidencing a \$570.00 payment fee. Also

In Re: Stevens (Serial No: 09/368,989)  
Petition to Withdrawal Notice of Abandonment  
Page -2-

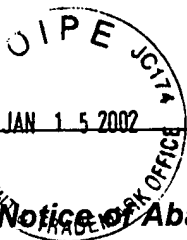
enclosed is a photocopy of the Notice of Abandonment. Finally, enclosed is a self-addressed postcard.

As such, the applicant hereby requests that the application be restored and the same ripen into an issued patent.

Respectfully submitted,

CHERSKOV & FLAYNIK

By   
Michael J. Cherskov (Reg. No. 33,664)



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<b>Notice of Abandonment</b>	Application N .	Applicant(s)	
	09/368,989	STEVENS ET AL.	
	Examiner	Art Unit	
	Lisa V. Cook	1641	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

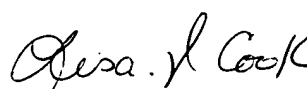
This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 24 April 2001.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☒ A proposed reply was received on 8/29/01, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.

The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

  
LONG V. LE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600  
12/02/01

  
11/30/01

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

On the date stamped hereon, the Assistant Commissioner for Patents acknowledges receiving: (1) a RCE Transmittal, (2) Petition To Extension of Time, (3) A Three page Amendment, (4) A 37 CFR Affidavit with a three page exhibit, (5) two checks in the amount of \$200.00, and \$370.00 for the Extension of Time and RCE fee respectively, and (6) this self-addressed stamped postcard.

In re: Stevens, et al.  
Serial No.: 09/368,989  
Filing Date: 8/5/99  
Atty Dkt: 0003/00332

The aforementioned mail via First class mail pursuant to 37 CFR 1.8 to the Assistant Commissioner For Patents on October 23, 2001.

US PTO DATE STAMP



Old Stone Row, Middlebury College, Vermont

**CHERSKOV & FLAYNIK**  
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**20 N. WACKER DRIVE**  
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